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5 Attorneys for Plaintiff
SHELTER ISLAND YACHTWAYS, LTD.
6 a California Limited Partnership,
dba SHELTER ISLAND BOATYARD

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

**SHELTER ISLAND YACHTWAYS, LTD., a
California Limited Partnership, dba SHELTER
ISLAND BOATYARD,**

Plaintiff,

V.

M/Y SUNDANCE, Official No. 521498, A
HATTERAS MOTORYACHT OF
APPROXIMATELY 33 FEET IN LENGTH
AND 12 FEET IN BEAM, AND ALL OF HER
ENGINES, TACKLE, ACCESSORIES,
EQUIPMENT, FURNISHINGS AND
APPURTENANCES, *in rem*.

Defendant

Case No. 07-CV 2015 DMS (WMc)

IN ADMIRALTY

DECLARATION OF BILL ROBERTS
IN SUPPORT OF MOTION FOR
ORDER FOR INTERLOCUTORY
VESSEL SALE AND
AUTHORIZATION TO CREDIT BID

F.R.C.P. Supplemental Admiralty
Rule E(9); 46 U.S.C. Sections 30101-
31343

SUBMITTED ON PAPERS
(Oral Arguments Not Requested)

Judge: Hon. Dana M. Sabraw
Courtroom: 10 - 2nd Floor
Date: April 25, 2008
Time: 1:30 p.m.

I, Bill Roberts, declare under penalty of perjury under the laws of the United States and the State of California as follows:

1. I serve as PLAINTIFF's General Partner. The below matters are within my personal knowledge, and I could and would competently testify under oath as to these matters, if called to do so.

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**DECLARATION OF BILL ROBERTS IN SUPPORT MOTION FOR ORDER FOR
INTERLOCUTORY VESSEL SALE AND AUTHORIZATION TO CREDIT BID**

1 2. On September 17, 2007 I discovered the DEFENDANT VESSEL had been
2 apparently abandoned at my company's boatyard. In the usual course of business, I am aware
3 of what vessels will be arriving at the boatyard, in advance of the arrival of such vessels. I
4 was unfamiliar with the DEFENDANT VESSEL and confirmed with my staff that she was
5 not scheduled for work. The DEFENDANT VESSEL's apparent owner, Wayne Oliver, was
6 also unknown to me at the time the DEFENDANT VESSEL was deposited at my company's
7 boatyard.

8 3. Because the DEFENDANT VESSEL is documented with the United States
9 Coast Guard, I was able to obtain certain information from Coast Guard records, including
10 the name and address of her documented owner – Mr. Wayne Oliver. I was eventually able
11 to obtain a phone number for Mr. Oliver. When I contacted him by phone, he informed me
12 that he had hired one of our tenants at the boatyard (Coleman Marine) to work on the
13 DEFENDANT VESSEL's transom. I thereafter contacted John Coleman, who informed me
14 that not only had he not agreed to do work on the DEFENDANT VESSEL, he specifically
15 instructed Mr. Oliver that he was not to bring the vessel to my company's boatyard. Soon
16 thereafter, I contacted our maritime attorney, and asked for his assistance in resolving the
17 problem.

18 4. According to her Coast Guard documentation records, the DEFENDANT
19 VESSEL, a 34-foot sailboat, is now 40 years old. Although I have not personally surveyed
20 this vessel or commissioned a survey, based on decades of experience owning boatyards, I
21 believe the DEFENDANT VESSEL is in only fair condition, and that she is likely
22 unseaworthy, in that she is not reasonably fit for her intended purpose.

23 Executed this 25 day of March, 2008 at San Diego, California.

Bill Roberts
Bill Roberts
General Partner
Shelter Island Yachtways, Ltd.

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**DECLARATION OF BILL ROBERTS IN SUPPORT MOTION FOR ORDER FOR
INTERLOCUTORY VESSEL SALE AND AUTHORIZATION TO CREDIT BID**

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